

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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SHERMAN WILKINS, Plaintiff, v.	: : :	CIVIL NO. 09-2581
BOZZUTO & ASSOCIATES, INC., Defendant.	: : :	

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**ORDER**

AND NOW, this 10th day of December, 2009, upon consideration of Defendant's July 2, 2009 Motion to Dismiss Amended Complaint [Doc. No. 5], Plaintiff's Memorandum of Law in Opposition to Defendant's Motion to Dismiss [Doc. No. 6], and Defendant's Reply to Opposition to Motion to Dismiss [Doc. No. 10], it is hereby **ORDERED** that:

- 1) Defendant's July 2, 2009 Motion to Dismiss [Doc. No. 5] is **GRANTED** for the reasons stated in the attached Memorandum Opinion. The above-captioned matter is **DISMISSED** without prejudice.
- 2) Defendant's June 15, 2009 Motion to Dismiss [Doc. No. 3] is **DISMISSED** as **MOOT**.

It is so **ORDERED**.

**BY THE COURT:**

/s/ Cynthia M. Rufe

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**CYNTHIA M. RUGE, J.**